

Supreme Court of Kentucky

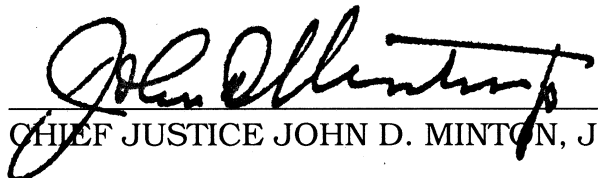
ORDER

**IN RE: ORDER APPROVING THE LOCAL RULES OF PRACTICE AND
PROCEDURE FOR THE 11TH JUDICIAL DISTRICT COURTS,
GREEN, MARION, TAYLOR, AND WASHINGTON COUNTIES**

Upon recommendation of the Judges of the 11th Judicial District, Green,
Marion, Taylor, and Washington counties and being otherwise sufficiently
advised,

The Local Rules of Practice and Procedure for the 11th District, Green,
Marion, Taylor, and Washington counties are hereby approved. This order
shall be effective as of the date of this Order, and shall remain in effect until
further orders of this court.

Entered this the 22nd day of March 2012.


CHIEF JUSTICE JOHN D. MINTON, JR.

**LOCAL RULES FOR 11TH JUDICIAL DISTRICT
GREEN, TAYLOR, MARION & WASHINGTON COUNTIES**

RULE 1 INTRODUCTION / ADMINISTRATIVE PROCEDURE

101. PREFACE

These are the District Court Rules of the 11th Judicial District. These Rules supplement the Kentucky Family Court Rules of Procedure and Practice (FCRPP), the Kentucky Rules of Criminal Procedure (RCr) and the Kentucky Rules of Civil Procedure (CR). These rules shall be the only operative 11th Judicial District Court Rules. All previous rules adopted by the 11th Judicial District are hereby rescinded.

102. EFFECTIVE DATE

These rules shall apply with full force and effect to all actions filed or pending in the 11th Judicial District immediately upon approval of the Chief Justice of the Supreme Court.

103. CITATION OF RULES

These rules may be cited as "11th Judicial District Court Rules" or "11th JDCR."

104. ORGANIZATION & ASSIGNMENT OF CASES

- A. The District Court of the 11th Judicial District is a court of continuous session, and the court shall consist of two (2) divisions, namely:

Division I
Judge Amy Sullivan Anderson
P.O. Box 1183
Campbellsville, KY 42719-1183
(270) 465-0367
(270) 465-0368 fax

Division II
Judge Connie Sullivan Phillips
P.O. Box 4189
Campbellsville, KY 42719-4189
(270) 465-8424
(270) 849-3584 fax

- B. The causes in the district court shall be divided between the two (2) divisions as equally as possible.
- C. When two (2) or more actions, civil or criminal, have been filed that may, as a matter of right, or may, in the discretion of the Court, be consolidated, and such action or actions are pending in the other division of the Court, any party to any of the actions may, with approval of the Court, have any of the actions transferred to that division of the Court in which the first of the actions was filed or assigned. The Judge of the Court may order such transfers to be made without a motion by any of the parties.

105. HOLIDAYS

The District Court of the 11th Judicial District will not conduct court on holidays as set forth in the AOC State Holiday schedule. Closings due to inclement weather will be determined in accordance with Court and Local Law Enforcement policies and procedure.

RULE 2 COURT SCHEDULING / MOTION HOUR / PROCEDURES FOR FILING

201A. GREEN COUNTY, REGULAR WEEKLY DISTRICT COURT SCHEDULE

Monday: 1:00 pm Criminal & Traffic Arraignments, Jail Docket
Criminal & Civil Pre-trial Conferences
Probate Docket

1:30 pm Small Claims, Forcible Detainers

1:45 pm Domestic Violence

2:00 pm Juvenile Court

Tuesday/
Thursday 8:30 am JURY TRIALS – one per month per division, scheduled at discretion of court

Nothing is to be set on Jury Trial dates except for Jury Trials. In the event a matter is inadvertently set for that day, the Clerk is to send a notice re-setting the case. Court will begin at 8:30 am on Jury Trial days. The County Attorney, Defense Counsel and Defendants are to be present at that time for entry of pleas. Trials will begin at 9:00 a.m.

Trials for Division I may be scheduled at the discretion of the Court to begin at 10:00 am in the event that the jury trial date coincides with Taylor or Marion County Drug Court sessions.

In the event that Pre-trials or Jury Trials fall on a holiday or on a date when no court is scheduled, then that Pre-trial date or Jury Trial date will be cancelled or re-scheduled at the Court's discretion.

Probate Matters May be heard on any court date except Jury Trial days or by scheduling a time with the District Judge or Trial Commissioner. SCR 5.030 (c) (i) (ii).

All bonds and citations issued for Green County shall have the court dates set for Monday at 1:00 pm.

201B. MARION COUNTY, REGULAR WEEKLY DISTRICT COURT SCHEDULE

Monday:	9:00 am	Criminal & Traffic Arraignments, Jail Docket Criminal & Civil Pre-trial Conferences Other Criminal matters at discretion of Court
Wednesday:	9:00 am	Show Cause, Jail Docket, Preliminary Hearings Forcible Detainers, Probate Docket Other criminal matters at discretion of Court
	9:30 am	Domestic Violence
	11:00 am	Juvenile Court
	1:00 pm	CHILD SUPPORT – 3 rd Wednesday and 4 th Wednesday May be altered upon agreement of Judge and Contracting Attorney for Child Support Enforcement
	2:00 pm	SMALL CLAIMS – 1 st Wednesday and 2 nd Wednesday
Friday:	8:30 am	JURY TRIALS Nothing is to be set on Jury Trial dates except for Jury Trials. In the event a matter is inadvertently set for that day, the Clerk is to send a notice re-setting the case. Court will begin at 8:30 am on Jury Trial Fridays. The County Attorney, Defense Counsel and Defendants are to be present at that time for entry of pleas. Trials will begin at 9:00 a.m. In the event that Pre-trials or Jury Trials fall on a holiday or on a date when no court is scheduled, then that Pre-trial date or Jury Trial date will be cancelled or re-scheduled at the Court's discretion.
	9:00 am	NON-JURY TRIAL FRIDAYS Jail Docket and any other matter scheduled at discretion of the Court.

Probate Matters May be heard on any court date except Jury Trial days or by scheduling a time with the District Judge or Trial Commissioner. SCR 5.030 (c)(i)(ii)

All bonds and citations issued for Marion County shall have the court dates set for Monday at 9:00 am. However, any bonds and citations for Hispanic language defendants shall have a court date of Wednesday at 9:00 am.

201C. TAYLOR COUNTY, REGULAR WEEKLY DISTRICT COURT SCHEDULE

Monday: 9:00 am Criminal & Traffic Arraignments, Jail Docket
Criminal & Civil Pre-trial Conferences

Wednesday: 9:00 am Show Cause, Jail Docket, Preliminary Hearings
Forcible Detainers, Probate Docket

10:00 am Domestic Violence

12:30 pm Juvenile Court

Friday: 8:30 am JURY TRIALS – two per month
(1st Friday after 1st Monday and 2nd Friday after 2nd Monday)

Nothing is to be set on Jury Trial dates except for Jury Trials. In the event a matter is inadvertently set for that day, the Clerk is to send a notice re-setting the case. Court will begin at 8:30 am on Jury Trial Fridays. The County Attorney, Defense Counsel and Defendants are to be present at that time for entry of pleas. Trials will begin at 9:00 a.m.

In the event that Pre-trials or Jury Trials fall on a holiday or on a date when no court is scheduled, then that Pre-trial date or Jury Trial date will be cancelled or re-scheduled at the Court's discretion.

9:00 am NON-JURY TRIAL FRIDAYS
Small Claims, Civil Motions, Jail Docket and any other matter scheduled at discretion of the Court.

Probate Matters May be heard on any court date except Jury Trial days or by scheduling a time with the District Judge.

All bonds and citations issued for Taylor County shall have the court dates set for Monday at 9:00 am.

201D. WASHINGTON CO., REGULAR WEEKLY DISTRICT COURT SCHEDULE

Monday: 1:00 pm Criminal & Traffic Arraignments, Jail Docket
 Criminal & Civil Pre-trial Conferences

 1:30 pm Small Claims, Forcible Detainers, Probate Docket

 1:45 pm Domestic Violence

 2:00 pm Juvenile Court
 (Note: During School Year, Division I will begin Juvenile Court at
 3:00 pm)

Tuesday/
Thursday 8:30 am JURY TRIALS – one per month per division, scheduled at
 discretion of court

Nothing is to be set on Jury Trial dates except for Jury Trials. In the event a matter is inadvertently set for that day, the Clerk is to send a notice re-setting the case. Court will begin at 8:30 am on Jury Trial days. The County Attorney, Defense Counsel and Defendants are to be present at that time for entry of pleas. Trials will begin at 9:00 a.m.

Trials for Division I may be scheduled at the discretion of the Court to begin at 10:00 am in the event that the jury trial date coincides with Taylor or Marion County Drug Court sessions.

In the event that Pre-trials or Jury Trials fall on a holiday or on a date when no court is scheduled, then that Pre-trial date or Jury Trial date will be cancelled or re-scheduled at the Court's discretion.

Probate Matters May be heard on any court date except Jury Trial days or by scheduling a time with the District Judge or Trial Commissioner. SCR 5.030 (c)(i)(ii)

All bonds and citations issued for Washington County shall have the court date set for Monday at 1:00 pm.

202. EXCEPTIONS TO REGULAR COURT SCHEDULE

Whenever a State holiday falls on a Monday, the Court may schedule a jail arraignment docket at the discretion of the Judge on the following Tuesday. If the Court is closed for any other unforeseen reason, i.e. inclement weather or unexpected illness, the Court's docket will be rescheduled with notice being sent to the parties.

RULE 3 DOMESTIC VIOLENCE PROTOCOL AND 24 HOUR ACCESS POLICY

The Domestic Violence Protocol for the 11th Judicial Circuit is attached hereto in the Appendix to these rules and is incorporated herein by reference as if set out in full. Said protocol may also be obtained by contacting any 11th Circuit Court Clerk, the District or Circuit Judge's offices or online at <http://apps.kycourts.net/localrules/localrules.aspx>.

RULE 4 PATERNITY

There are no local rules pertaining to Paternity Cases. For uniform statewide rules see FCRPP 14 and 15.

RULE 5 DEPENDENCY, NEGLECT AND ABUSE

There are no local rules pertaining to Dependency, Neglect and Abuse Cases. For statewide uniform rules see FCRPP 16 through 31.

RULE 6 STATUS OFFENSES

There are no local rules pertaining to Status Offenses. For uniform statewide rules see FCRPP 37 through 44.

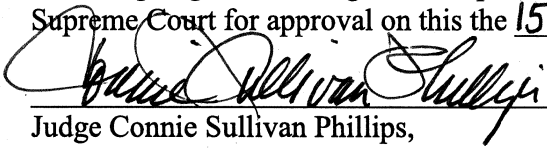
RULE 7 MISCELLANEOUS RULES RELATING TO FAMILY LAW PRACTICE

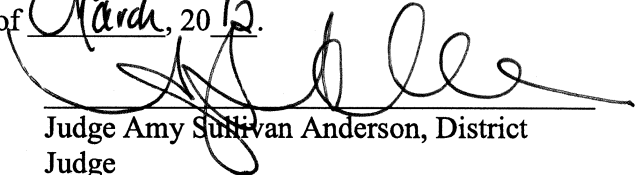
There are no local rules pertaining to Family Law Practice in District Court.

RULE 8 CIVIL /CRIMINAL PRACTICE RULES

All motions are to comply with the Kentucky Rules of Civil and Criminal Procedure. There are no more specific local rules other than those scheduling items set forth in Rule 2 herein.

The foregoing rules having been adopted, they are hereby certified to the Chief Justice of the Supreme Court for approval on this the 15th day of March, 2012.


Judge Connie Sullivan Phillips,
Chief District Judge
Division Two (II)


Judge Amy Sullivan Anderson, District
Judge
Division One (I)

**TWENTY-FOUR (24) HOUR ACCESSIBILITY TO EMERGENCY
PROTECTIVE ORDERS AND LOCAL JOINT JURISDICTION DOMESTIC
VIOLENCE PROTOCOL
ELEVENTH JUDICIAL CIRCUIT AND DISTRICT
GREEN, MARION, TAYLOR & WASHINGTON COUNTIES**

Pursuant to KRS 403.735, and in compliance with Family Court Rules of Practice and Procedure (FCRPP) Section IV, this local domestic violence protocol is established to ensure twenty-four (24) hour accessibility to emergency protective orders and to establish written procedures for domestic violence matters in which there may be joint jurisdiction between the circuit/family and district courts.

I. Uniform Protocol for Handling Cases

- A. All domestic violence cases must be processed by the clerk consistent with the rules and procedures set forth in the Kentucky Circuit Court Clerk's Manual.
- B. All cases will be assigned a "D" case number with the appropriate trailer number within the court case management system and may not be consolidated with any other case type.
- C. Domestic violence matters may be reassigned from the district court division to circuit/family court when there is a dissolution/custody proceeding pending.
- D. No county shall adopt a blanket "no-drop" policy. Domestic violence cases are civil matters within the purview of CR 41.01.
- E. Domestic violence cases shall be reassigned or transferred to another circuit under the following circumstances:

If a dissolution, child custody proceeding, or domestic violence proceeding is pending in another county when the domestic violence petition is filed or if a dissolution action is filed in another county while a domestic violence matter is pending in District Court, the District Court Judge is to transfer the case to the County where said action is pending. The emergency protective order shall continue and the summons shall be reissued by the initiating court, pursuant to KRS 403.740(4), for a period not to exceed fourteen (14) days if service has not been made on the adverse party by the date of transfer, or as the court determines is necessary for the protection of the petitioner. Thereafter, reissuance of the summons shall occur as needed in the court of transfer.

II. Twenty-four Hour Accessibility

- A. The following agencies and officers are authorized to take domestic violence petitions and administer oaths to petitioner during regular business hours:

The Circuit Clerk and all sworn deputies; the County Attorney and any Assistant County Attorney, the Victims Advocate of the County Attorney's office and any county attorney staff authorized to administer oaths.

- B. The following agencies and officers are authorized to take domestic violence petitions and administer oaths to petitioner after regular business hours and weekends:

The Circuit Clerk and all sworn deputies; the County Jailor and all sworn deputies; the County Sheriff and all sworn deputies; the County Attorney and any Assistant County Attorney, the Victims Advocate of the County Attorney's office and any county attorney staff authorized to administer oaths, the City Chief of Police and all sworn officers within the department; any Kentucky State Police officer.

- C. Upon receipt of a petition during regular business hours, the authorized agency/officer shall present the petition to the following:

To the District Judge who is found within the County. If no District Judge is found within the County, said verified petition shall be presented to the Circuit Judge who is found within the County. If no Judge is found within the County, the petition shall be presented to any District Judge or Circuit Judge found within the 11th Judicial Circuit. In the event, that none of the above Judges can be found, the petition may be presented to a Trial Commissioner within the 11th Judicial Circuit or District. In the event no Judge or Trial Commissioner can be found within the 11th Judicial Circuit or District, said petition may be presented to any District Judge, Circuit Judge or District Trial Commissioner in any surrounding county in accordance with the Regional Program Administration Charter, who may sign and issue a Domestic Violence Emergency Protective Order if deemed appropriate.

- D. Upon receipt of a petition after regular business hours, the authorized agency/officer shall present the petition to:

To the District Judge who is found within the County. If no District Judge is found within the County, said verified petition shall be presented to the Circuit Judge who is found within the County. If no Judge is found within the County, the petition shall be presented to any District Judge or Circuit Judge found within the 11th Judicial Circuit. In the event, that none of the above Judges can be found, the petition may be presented to a Trial Commissioner within the 11th Judicial Circuit or District. In the event no Judge or Trial Commissioner can be found within the 11th Judicial Circuit or District, said petition may be presented to any District Judge, Circuit Judge or District Trial Commissioner in any surrounding county in accordance with the Regional Program Administration Charter, who may sign and issue a Domestic Violence Emergency Protective Order if deemed appropriate.

E. Petitions will be reviewed within an hour of presentation to a judge or trial commissioner unless it is impossible due to the unavailability of a judge or trial commissioner.

F. The schedule for domestic violence hearings is as follows:

The Domestic Violence session of the District Court is scheduled as follows:

Green District Court	Mondays	1:30 pm
Marion District Court	Wednesdays	9:30 am
Taylor District Court	Wednesdays	10:00 am
Washington District Court	Mondays	1:30 pm

Motion Day for Circuit Court is as follows:

Green County	1 st Wednesday after 1 st Monday of the month
Marion County	1 st & 3 rd Thursday after 1 st Monday of the month
Taylor County	1 st & 3 rd Tuesday after 1 st Monday of the month
Washington County	3 rd Wednesday after 1 st Monday of the month

III. Contempt Proceedings

A. Pursuant to KRS 403.760, civil and criminal proceedings for violation of a protective order for the same violation of a protective order shall be mutually exclusive.

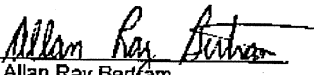
B. Petitioners seeking to initiate contempt proceedings should contact:

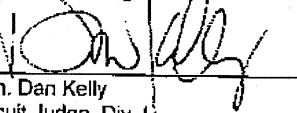
The local Circuit Clerk's office to complete a motion for show cause. The Judge who entered the EPO or DVO will hear the contempt proceeding.

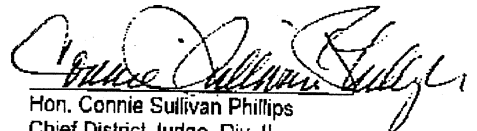
C. No petitioner may be held in contempt for failing to appear at a domestic violence hearing or to prosecute a criminal violation of a protective order.

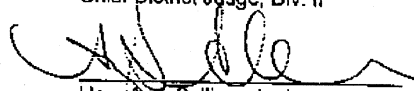
All general orders, forms, policies and procedures relating to domestic violence within the judicial circuit are attached to this protocol and incorporated by reference.

The above protocol is adopted by all judges in the circuit/district, this 12th day of July, 2011.


Hon. Allan Ray Bertam
Chief Circuit Judge, Div. I


Hon. Dan Kelly
Circuit Judge, Div. I


Hon. Connie Sullivan Phillips
Chief District Judge, Div. II


Hon. Amy Sullivan Anderson
District Judge, Div. I